

1  
2  
3  
4  
5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

7  
8 ERIC ANDREW O'DELL, No. C 11-03926 CW (PR)  
9 Petitioner,

ORDER OF TRANSFER

10 v.

11 JANICE GALLI McLEOD, et al.,  
12 Respondents.

13 /

14 Petitioner, a state prisoner, has filed a pro se petition for  
15 a writ of habeas corpus. Petitioner has not paid the filing fee or  
16 filed an application for leave to proceed in forma pauperis.

17 A federal statute allows "the Supreme Court, any justice  
18 thereof, the district courts and any circuit judge" to grant writs  
19 of habeas corpus "within their respective jurisdictions." 28  
20 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus  
21 made by a person in custody under the judgment and sentence of a  
22 state court is properly filed in either the district of confinement  
23 or the district of conviction. Id. § 2241(d). The district court  
24 where the petition is filed, however, may transfer the petition to  
25 the other district in the furtherance of justice. See id. Federal  
26 courts in California traditionally have chosen to hear petitions  
27 challenging a conviction or sentence in the district of conviction.  
28

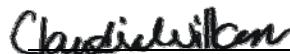
1     See Dannenberq v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);  
2     Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3                 Here, Petitioner challenges a conviction and sentence incurred  
4     in Pomona Superior Court in Los Angeles County, which is located in  
5     the venue of the Central District of California. See 28 U.S.C.  
6     § 84(c)(2). Accordingly, that is the proper venue for this action.

7                 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and  
8     in the interest of justice, the Clerk of the Court is ordered to  
9     TRANSFER this action forthwith to the United States District Court  
10    for the Eastern District of California.

11                 IT IS SO ORDERED.

12                 Dated: 9/7/2011



CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ERIC ANDREW ODELL,

Plaintiff,

Case Number: CV11-03926 CW

V.

JANICE GALLI MCLEOD et al.

## Defendant.

## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on September 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

Eric A. O'Dell F-03425  
Centinela State Prison  
C6/178Low  
P.O. Box 731  
2302 Brown Road  
Imperial, CA 92251

Dated: September 7, 2011

Richard W. Wiekking, Clerk  
By: Nikki Riley, Deputy Clerk